

Corporate veil hides Schoodic landowners

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By [Bill Trotter](#), BDN Staff • December 29, 2008 8:54 pm
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WINTER HARBOR, Maine — Who has an ownership stake in an undeveloped 3,300-acre parcel of land on the Schoodic Peninsula that might get developed into an ecofriendly resort?

That question has come up repeatedly in recent months as area residents and interest groups have tried to find out more about the people who have been behind proposals to turn the property, which abuts Acadia National Park, into a resort with a hotel and golf course.

The revelation last week that two Maine consultants have quit working for the landowner, Winter Harbor Holdings Inc., has fueled curiosity about the corporation shareholders' identities, but the development company is not answering the question.

A company spokeswoman last week declined to identify the individual partners in Winter Harbor Holdings Inc. or to reveal any detailed information about how or where the company is organized.

"I am not at liberty to release that information," the spokeswoman, Cecelia Ward, said Dec. 22.

Ward has said previously that the ownership group is made up of 20 or so partners, most of whom live in Europe. Two of the main partners in the group are believed to be Bruno and Vittorio Modena, a father-and-son millionaire duo from Milan, Italy, who first acquired the property in the 1980s.

The question initially arose 12 years ago when a proposal to harvest timber from the property created a stir about how the harvest might affect the peninsula's character. When the harvest was proposed in 1996, local residents and officials with the park and with conservation groups had difficulty getting information about the

absentee owners. During the controversy, the advocacy group Friends of Acadia traced the ownership to the Modenas, but learned little else about them.

The controversy dissipated in 1997 after trees were cut from the property without having a significant adverse impact on the surrounding landscape.

Attempts in recent weeks by the Bangor Daily News to find out more by searching public databases on the Internet also have revealed little about the company or the people believed to be behind it.

Initial ideas floated for the Schoodic development project include a “green corridor” of preserved land but also environmental education facilities, a hotel, an 18-hole golf course, and possibly hundreds of house lots.

This past summer, The Associated Press attempted to track down the Modenas in Italy to ask them about the Winter Harbor project. An AP reporter was able to contact a developer based in Milan named Bruno Modena, but the man told AP he did not own any land on the Schoodic Peninsula and was not involved in the development project.

Roger Barto, who has been Winter Harbor’s town manager for the past 10 years, said last week that he does not know anything about the Modenas’ background. He said he spoke to Bruno Modena once years ago on the phone in connection with the timber harvesting controversy, but he has never met him in person.

“I don’t have a clue,” Barto said. “I never heard from him since [the phone call]. I don’t know that he’s ever been to the site.”

According to Barto, the Modenas owed the town more than \$40,000 in back taxes for the property in the 1990s, but all that has since been paid. As long as they pay the taxes on the property, Barto said, it is not his business to find out more about them.

Marla Stellpflug O’Byrne, president of Friends of Acadia, said recently that the group has been trying to no avail to find out more about the ownership group.

“We’ve asked and really have no information,” O’Byrne said. “I think it would give us a better sense of the motivation for the project.”

O’Byrne said FOA believes that striking the right balance between development and conservation is critical to the success of the project, and that knowing who is in the ownership group would help clarify what kind of balance might ensue.

“That’s the kind of balance we’d like to know better, and who’s making the decisions as well,” she said.

One thing that is known about the Bruno Modena behind the Winter Harbor project is that he also has been identified as the owner of a New Mexico company that hopes to pump water from an underground aquifer near Datil, N.M. Stories about the firm, Augustin Plains Ranch LLC, have been published by the Albuquerque Journal, Sante Fe New Mexican and Mountain Mail newspapers.

According to the reports, the water might be used for recreational, agricultural or commercial purposes. The water also might be used to meet New Mexico’s obligation for maintaining water levels in the Rio Grande River as it flows into Texas.

More than 400 protests over the proposal have been filed with the state by area residents, nonprofit and governmental agencies, private businesses, and others concerned that the project could affect their underground water supplies, according to the reports. The stories include no further information about the Modenas or others who may be involved in the local development company.

Business organizations such as for-profit corporations or limited liability companies frequently are required to register in states where they are headquartered or where they do business, but online searches of such official registries in Maine, New Mexico and New York and with the federal Securities and Exchange Commission reveal little or nothing about the Modenas and their development companies.

Documents on file in the Hancock County Registry of Deeds in Ellsworth suggest that the formal name of the landowner is Winter Harbor Holdings Inc., and that it is located in Troy, N.Y. There is no listing by that name in the Maine Secretary of State's online database. There are variations of that name listed in the Maine database, but they are listed as "dissolved" or "suspended."

A listing for Winter Harbor Holding Inc. in the New York Secretary of State's online database indicates the firm's status in that state is "inactive."

Ward, who lives and works in Florida, declined to say how the ownership entity is organized, such as a corporation or a limited liability company, or in which state, if any, it is registered.

Sheridan Steele, superintendent of Acadia National Park, said recently he was unsure how far the ownership group extends beyond the Modenas.

"My belief is that the Modenas own the property," Steele said. "When they talk about 'investors,' [I believe] they're trying to diffuse the ownership. They appear to be very secretive people."